THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.25889 of 2006

22-02-2007

Between:-

Ade Mahadu

Petitioner

And

The Government of A.P. rep., by its Secretary,
Major Irrigation, Secretariat, Hyderabad and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25889 of 2006

Oral order:

Claiming a share in the compensation amount for acquisition of land in an extent of Ac.16-90 cents in survey No. 7 situated at Kothari village, Keremiri mandal, Adilabad district and apprehending that the entire compensation amount including the 80% of the estimated compensation amount for the advance possession taken of the land, would be paid to the 4th respondent, his father thus depriving him of his share in the compensation amount, the writ petition is filed.

The third respondent, Land Acquisition Officer, has filed a counter affidavit. It is stated that the land in question has been acquired for the purpose of Sri Komaram Bheem Project. The counter states that as per the

records the grandfather of the petitioner – Ade Poshetty was the protected tenant of the land and the petitioner's father, the 4th respondent, succeeded to the land in question on the death of his father as a protected tenant and the petitioner has no claim to compensation as the 4th respondent is alive. Counter further states that after passing the award the respective shares of the protected tenant will be paid to the father of the petitioner. It is also stated that the petitioner submitted a General Power of Attorney to the answering respondent in which it is mentioned that the 4th respondent appointed him to look after and manage the properties. The petitioner claims half of the share in 60% compensation entitlement of the protected tenant; the 4th respondent has three sons including the petitioner and therefore the petitioner is not entitled half share in the compensation. The counter also states that the General Power of Attorney submitted by the petitioner does not show that the 4th respondent had permitted a half share to the petitioner. In the circumstances the answering respondent has not paid 80% compensation out of 60% of protected tenant share to anybody. The counter concludes that after conducting award inquiry, the claim of the petitioner will be considered according to law and the notice of the award inquiry will be issued to the 4th respondent and all interested persons. The counter affidavit categorically states that the petitioner

is not the landowner. He is not entitled to seek reference under Section 18 of the Act and that the objections filed by the petitioner on 28-11-2006 would be considered during the course of award inquiry and appropriate decision taken.

Learned counsel for the petitioner sates that the petitioner is satisfied with these averments in the counter affidavit. The writ petition is accordingly dismissed recording the aforementioned averments of the counter. No costs.

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GODA RAGHURAM, J

Dated:22-02-2007
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